

## Message Text

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DRAFTED BY TREASURY/GC:NJACKIN:MMP

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COMMERCE:EJANTOUN

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TO AMEMBASSY OSLO

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E.O. 11652: N/A

TAGS: EAIR, ICAO, NO

SUBJECT: DIPLOMATIC CONFERENCE ON AIR LAW

REF: OSLO 2873

1. U.S. SUPPORTS NORWAY PROPOSAL AND WOULD BE PREPARED TO  
CO-SPONSOR PROPOSAL OF THIS KIND.

2. DRAFTING CHANGES ARE SUGGESTED, FOR TECHNICAL ACCURACY,  
IN PARA 3)2., AS FOLLOWS: (A) IN THE NEW CARGO PROTOCOL  
ARTICLE 22 PARAGRAPH 2(A) OF THE WARSAW CONVENTION AS  
AMENDED BY THE HAGUE PROTOCOL, SHOULD BE AMENDED TO READ:

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QUOTE: IN THE CARRIAGE OF CARGO, THE LIABILITY OF THE

CARRIER IS LIMITED TO A SUM OF SDR ---- PER KILOGRAM, ...  
UNQUOTE. (B) PARAGRAPH 5 OF THIS ARTICLE SHOULD READ:  
QUOTE: THE SUMS MENTIONED IN TERMS OF THE SDR IN THIS  
ARTICLE SHALL BE DEEMED TO REFER TO THE SPECIAL DRAWING  
RIGHT OF THE INTERNATIONAL MONETARY FUND. THESE SUMS MAY  
BE CONVERTED INTO NATIONAL CURRENCIES IN ROUND FIGURES.  
CONVERSION OF THE SUMS INTO NATIONAL CURRENCIES SHALL, IN  
CASE OF JUDICIAL PROCEEDINGS, BE MADE ACCORDING TO THE  
VALUE OF SUCH CURRENCIES IN TERMS OF THE SPECIAL DRAWING  
RIGHT AT THE DATE OF JUDGMENT. FOR PURPOSES OF THIS  
PROTOCOL THE VALUE OF A NATIONAL CURRENCY IN TERMS OF THE

SDR SHALL BE CALCULATED, FOR THE CURRENCY OF A PARTY TO  
THE PROTOCOL THAT IS A MEMBER OF THE INTERNATIONAL  
MONETARY FUND, IN ACCORDANCE WITH THE METHOD OF VALUATION  
APPLIED BY THE INTERNATIONAL MONETARY FUND WITH EFFECT  
FROM FIRST OF JULY, 1974 OR SUCH OTHER METHOD OF VALUATION  
SUBSEQUENTLY ADOPTED BY THE IMF FOR ITS OWN OPERATIONS AND  
TRANSACTIONS IN EFFECT AT THE DATE OF JUDGMENT. FOR  
PURPOSES OF THIS PROTOCOL, THE VALUE OF A NATIONAL  
CURRENCY IN TERMS OF THE SDR SHALL BE CALCULATED, FOR THE  
CURRENCY OF A PARTY TO THE PROTOCOL THAT IS NOT A MEMBER  
OF THE INTERNATIONAL MONETARY FUND, IN A MANNER TO BE  
DETERMINED BY THAT COUNTRY. UNQUOTE.

3. THE ABOVE CHANGES ARE BEING SUGGESTED FOR THE  
FOLLOWING REASONS: (1) TO MAKE CLEAR IT IS THE SPECIAL  
DRAWING RIGHT AS A UNIT OF ACCOUNT THAT IS BEING REFERRED  
TO IN THE PROTOCOL RATHER THAN THE SPECIAL DRAWING  
RIGHTS OF MEMBERS IN THE IMF (THUS THE SDR IS REFERRED TO  
IN THE SINGULAR RATHER THAN IN THE PLURAL). (2) THE  
LANGUAGE WAS REVISED TO MAKE CLEAR IT IS THE SDR  
ESTABLISHED BY THE IMF (IN 1969) THAT IS REFERRED TO, WITH  
CONVERSION INTO NATIONAL CURRENCIES MADE ACCORDING TO THE  
SDR METHOD OF VALUATION REPEAT METHOD OF VALUATION IN  
EFFECT AT THE DATE OF JUDGMENT; THE METHOD OF VALUATION  
PRESENTLY IN EFFECT IS THE "BASKET" METHOD ADOPTED BY THE  
IMF EXECUTIVE DIRECTORS EFFECTIVE JULY 1, 1974. NORWAY  
TEXT GIVES MISLEADING IMPRESSION SDR WAS ESTABLISHED IN  
1974.

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4. UNCLEAR WHY TECHNICAL ANNEXES TO NORWAY PROPOSAL HAVE  
NOT YET BEEN RECEIVED IN U.S., AND REQUEST EARLIEST  
POSSIBLE DISPATCH SO THAT WE CAN EXAMINE MEANS BY WHICH  
NORWAY ARRIVED AT FRANC-SDR CONVERSION RATES IN LAST PARA  
REFTEL. U.S. FEELS FIGURES ARE CLOSE TO ACCEPTABLE, BUT  
IN ANY CASE WOULD PREFER ROUNDED SUMS FOR SIMPLICITY,  
ESPECIALLY 15:1 RATIO EXPLAINED BY WILLIS PER TELCON

WITH BRUZELIUS. IF 15:1 RATIO IS USED, WE ASSUME THERE IS  
NO NEED FOR TECHNICAL ANNEXES. IF PRECISE, UNROUNDED  
FIGURES ARE USED, WE WOULD NATURALLY WANT TO SEE  
TECHNICAL ANNEXES IN ADVANCE OF AGREEMENT TO THEM. INGERSOLL

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